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8  
9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN JOSE DIVISION

12 IN RE: HIGH-TECH EMPLOYEE  
ANTITRUST LITIGATION

13  
14 THIS DOCUMENT RELATES TO:  
15 ALL ACTIONS

Case No. 3:11-cv-2509-LHK

**DECLARATION OF JUSTINA K.  
SESSIONS IN SUPPORT OF  
DEFENDANTS' ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL**

Date: January 17, 2013  
Time: 1:30 p.m.  
Courtroom: 8, 4th Floor  
Judge: Hon. Lucy H. Koh

Date Consol. Amended Compl. Filed:  
September 13, 2011

Trial Date: November 12, 2013

1 I, JUSTINA K. SESSIONS, declare and say that:

2 1. I am an attorney licensed to practice law in the State of California and am an  
3 associate with the law firm of Keker & Van Nest LLP, located at 633 Battery Street, San  
4 Francisco, California 94111, counsel for Defendant Lucasfilm Ltd. ("Lucasfilm") in the above-  
5 captioned action. I am duly admitted to practice law before this Court. I have knowledge of the  
6 facts set forth in this declaration, and if called to testify as a witness thereto could do so  
7 competently under oath.

8 2. On December 10, 2012, Plaintiffs filed a Consolidated Reply in support of their  
9 motion for class certification, an accompanying declaration, a Reply Expert Report of Edward E.  
10 Leamer, Ph.D, and an administrative motion to file under seal certain portions of the reply brief,  
11 reply report, and accompanying declarations and exhibits. I have reviewed the materials  
12 produced by Lucasfilm that are cited or reproduced in Plaintiffs' papers.

13 3. For the reasons outlined below, and the reasons provided in the Declaration of  
14 David J. Anderman in Support of Defendants' Joint Response to Plaintiffs' Administrative  
15 Motion to Seal [Dkt. No. 199], Lucasfilm seeks to maintain under seal certain portions of  
16 Plaintiffs' Consolidated Reply in support of Motion for Class Certification and in Opposition to  
17 Defendants' Motion to Strike the Report of Dr. Edward E. Leamer ("Plaintiffs' Reply Brief"); the  
18 Reply Expert Report of Edward E. Leamer, Ph.D. ("Plaintiffs' Reply Report"); and one Exhibit to  
19 the Declaration of Dean M. Harvey ("Harvey Declaration"). The portions Lucasfilm seeks to  
20 maintain under seal contain or reflect Lucasfilm's confidential business practices and/or  
21 confidential compensation or recruiting data.

22 4. The following portions of Plaintiffs' Reply Brief contain or reflect materials that  
23 Lucasfilm designated Confidential or Confidential-Attorneys' Eyes Only under the Protective  
24 Order in this action [Dkt. No. 107] and should be maintained under seal:

25 i) Page 17, lines 15-22; p. 19, lines 5-9; p. 21 n.13 lines 24-27 (text  
26 accompanying citations to Maupin Declaration<sup>1</sup> and Harvey Decl. Exh. 30).

27  
28 <sup>1</sup> Lucasfilm previously sought to maintain the entire Maupin Declaration under seal.

1           ii)       These materials reflect Lucasfilm's confidential compensation or recruiting  
2 practices, as well as actual data reflecting Lucasfilm's compensation and recruiting. Lucasfilm  
3 strictly maintains the confidentiality of its recruiting and compensation practices, as well as actual  
4 data reflecting Lucasfilm's compensation and recruiting. Lucasfilm could be competitively  
5 harmed if other companies gained access to this information.

6           5.       Exhibit 30 to the Harvey Declaration is an e-mail that reflects a confidential  
7 discussion of Lucasfilm's confidential recruiting and compensation policies, and the application  
8 of those policies to a specifically named candidate. Lucasfilm designated this e-mail as  
9 Confidential under the Protective Order in this action [Dkt. No. 107] and it should be maintained  
10 under seal.

11           i)       This Exhibit reflects Lucasfilm's confidential recruiting and compensation  
12 practices. Other companies could gain a competitive advantage over Lucasfilm if they were  
13 provided information regarding the manner in which Lucasfilm recruits potential employees,  
14 makes employment offers, and determines employee compensation. These materials also reflect  
15 Lucasfilm's confidential recruiting and compensation data. Lucasfilm strictly maintains the  
16 confidentiality of its recruiting and compensation practices, as well as actual data reflecting  
17 Lucasfilm's compensation and recruiting. Lucasfilm could be competitively harmed if other  
18 companies gained access to this information.

19           6.       The following portions of Plaintiffs' Reply Report reflect materials that Lucasfilm  
20 designated Confidential or Confidential-Attorneys' Eyes Only under the Protective Order in this  
21 action [Dkt. No. 107] and should be maintained under seal.

22           i)       Page 18, ¶ 46, n.47 and accompanying text; p. 18 ¶¶ 47-48, nn. 52-53, and  
23 accompanying text; p. 26, Figure 1; p. 30, Figure 2; p. 42, Figure 6; p. 44, Figures 8-9.

24           ii)       These materials reflect Lucasfilm's confidential recruiting and  
25 compensation practices. Other companies could gain a competitive advantage over Lucasfilm if  
26 they were provided information regarding the manner in which Lucasfilm recruits potential  
27 employees, makes employment offers, and determines employee compensation. These materials  
28 also reflect Lucasfilm's confidential recruiting and compensation data. Lucasfilm strictly

1 maintains the confidentiality of its recruiting and compensation practices, as well as actual data  
2 reflecting Lucasfilm's compensation and recruiting. Lucasfilm could be competitively harmed if  
3 other companies gained access to this information.

4 7. Because Lucasfilm has sought to maintain the confidentiality of the materials  
5 described above, and because public disclosure of these materials could cause Lucasfilm  
6 significant harm, the portions of Defendants' submissions described above should be redacted and  
7 shielded from disclosure to Lucasfilm's potential competitors.

8 I declare under penalty of perjury under the laws of the United States that the foregoing is  
9 true and correct and that this declaration was executed in San Francisco, California, on December  
10 16, 2012.

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12 /s/ Justina K. Sessions  
13 JUSTINA K. SESSIONS  
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